

APPROVED 3/20/03



**SCOTTSDALE DEVELOPMENT REVIEW BOARD
KIVA - CITY HALL
3939 N. DRINKWATER BOULEVARD
MARCH 6, 2003
MINUTES**

PRESENT: Wayne Ecton, Councilman
James Heitel, Planning Commission Member
E.L. Cortez, Vice Chairman
Anne Gale, Design Member
Michael Schmitt, Design Member
Mark Soden, Design Member

ABSENT: Raymond Potter, Design Member

STAFF: Tim Curtis
Kurt Jones
Jayna Shewak
Bill Verschuren
Kira Wauwie
Al Ward

CALL TO ORDER

The regular meeting of the Scottsdale Development Review Board was called to order by Councilman Ecton at 1:00 p.m.

ROLL CALL

A formal roll call confirmed members present as stated above.

OPENING STATEMENT

COUNCILMAN ECTON read the opening statement that describes the role of the Development Review Board and the procedures used in conducting this meeting.

MINUTES APPROVAL

February 20, 2003 Development Review Board Minutes

MS. SHEWAK stated there were some misspellings in the minutes that have been corrected.

VICE CHAIRMAN CORTEZ MADE A MOTION TO APPROVE THE FEBRUARY 20, 2003 MINUTES AS AMENDED. SECOND BY MR. HEITEL.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

COUNCILMAN ECTON stated case 12-DR-2003 would be moved from the consent to the regular agenda.

CONSENT AGENDA

160-DR-1985#3	Scottsdale Paradise Valley YMCA Site Plan & Elevations 6869 E. Shea Boulevard Marlene Imizian and Associates, Architect/Designer
82-DR-1998#15	Marriano's Site Plan & Elevations SEC Scottsdale Rd & Frank Lloyd Wright Blvd. G H A Architecture/ Development, Architect/Designer
12-DR-2003	The Point Mirage @ Via Linda Site Plans & elevations Via Linda, east of 132 nd Street Lamb Architects, Architect/Designer

(PULLED TO REGULAR AGENDA)

13-DR-2003	Black Mountain Community Church Site Plan & Elevations 7171 E. Lowden Drive Babos Design Studio, Architect/Designer
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VICE CHAIRMAN CORTEZ MOVED TO APPROVE CASES 160-DR-1985#3, 82-DR-1998#15, AND 13-DR-2003 WITH THE REVISED STIPULATIONS AND ONE ADDITIONAL STIPULATION THAT THE COLORS RETURN TO A DRB

**STUDY SESSION WITH THE PAINT DRAW DOWNS AND THE CONCRETE
ROOF TILE SAMPLE. SECOND BY MR. SCHMITT.**

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

REGULAR AGENDA

12-DR-2003

The Point Mirage @ Via Linda
Site Plans & elevations
Via Linda, east of 132nd Street
Lamb Architects, Architect/Designer

MS. WAUWIE presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

MS GALE requested clarification on the three main building colors. Ms. Wauwie reviewed the colors that are proposed for the project.

Ms. Gale inquired about the colors that would be used on the balcony and stair rails. George Sajack, Lamb Architects, reviewed the colors that would be used on the railing.

Ms. Gale stated she felt this was a nice color scheme. She further stated there was some legitimate concern that the lighter orange was going to be used on the balcony rail but that has been cleared up.

MR. SCHMITT stated he likes the color scheme and he felt the idea of introducing brighter colors will be an interesting colorful element and it will be nice.

MR. SODEN requested clarification on the detailing around the windows. Mr. Sajack provided information on the detailing around the windows.

**VICE CHAIRMAN CORTEZ MOVED TO APPROVE CASE 12-DR-2003 WITH
THE ATTACHED STIPULATIONS. SECOND BY MR. SCHMITT.**

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

4-DR-2003

Chaparral Park Aquatic Center
Elevation Revisions
5401 N. Hayden Road
TRK Architecture & Facilities
Management Inc., Architect/Designer

MR. WARD presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

VICE CHAIRMAN CORTEZ stated in the staff report it indicates they are upgrading the facility to provide a new “friendlier” entrance. He further stated the entrance of this building is crying out for that but he did not believe this solution achieves that goal. He remarked he would like to see the architect come to the Board with another option. He further remarked a planter on either side of the two staircases that go up to the main entry could provide some potential.

Vice Chairman Cortez stated his other concern was regarding the chain link fence around the perimeter of the property. He further stated he would hope they would be able to upgrade that to some sort of view fence.

KENDRA LETO, TRK Architecture, stated they are under budget constraints so they are keeping the existing stairway and planter that currently exist, and they are just putting in a new handrail. She further stated with regard to the fencing, they are just replacing the mesh and using the existing poles to meet code.

VICE CHAIRMAN CORTEZ stated this is a major public use. He further stated he felt they should look at upgrading the chain link fencing as well as considering another option on the main entry.

BRAD WISLER, Capital Project Division, provided information on the scope of work for the project and outlined what the priorities were at the time the design was developed. He discussed the budgetary demands on the project.

VICE CHAIRMAN CORTEZ stated he understands the budgetary demands that have been placed on this project, and asked why are they replacing the chain link fencing but keeping the existing poles. Mr. Wisler replied they are required to change the mesh fencing to comply with health code requirements. He stated the Architect has determined that the chain link fencing will ensure the homeowners views of the mountains to the west. Ms. Leto stated they studied this issue and they looked into having chain link verses plain metal. Vice Chairman Cortez inquired if there was an existing chain link fence running along the property line of the adjacent neighbors. Ms. Leto replied the neighbors have their own block fencing and there is a 20-foot gap between their fencing.

(COUNCILMAN ECTON OPENED PUBLIC TESTIMONY.)

GEORGE HOAGLAND, 4216 N. Brown, stated he felt the city should be held to the same standards as everybody. The Board should not allow this chain link fence on this project because it is specifically excluded in the zoning ordinance. He further stated he would implore this Board to hold the same standards to everyone.

(COUNCILMAN ECTON CLOSED PUBLIC TESTIMONY.)

COUNCILMAN ECTON inquired if chain link fencing is a violation of the ordinance. Mr. Ward stated staff does not feel it is in violation because the chain link fencing already exists and they would just be replacing the mesh to bring it up to Maricopa standards. This is just a replacement scenario and is not new fencing. Councilman Ecton inquired if they have any information on what different types of fencing would cost. Ms. Leto replied she does not have any numbers with her but (that she believed) it would at least double the price.

Councilman Ecton stated he would suggest the Board considers continuing this case and get more information that is complete so they can make a more informed decision.

VICE CHAIRMAN CORTEZ MOVED TO CONTINUE CASE 4-DR-2003 TO ALLOW THE ARCHITECT AND STAFF TO PREPARE COST COMPARISONS WITH REGARD TO THE UPGRADING OF THE CHAIN LINK FENCE AND A POSSIBILITY OF LOOKING AT THE ENTRY AT SOME FUTURE DATE. SECOND BY MR. HEITEL.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

10-DR-2003	Dave's Texaco Canopy Site Plan and Elevations 3730 N. Scottsdale Road David Ortega Architect, Inc., Architect/Designer
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MR. VERSCHUREN presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

DAVID ORTEGA, David Ortega Architect, Inc., 7051 5th Avenue, stated this is an independent service station. He further stated in the fall of 2002, a severe wind storm caused major damage to the existing canopy, which was removed for safety reasons. The request is to replace the canopy to provide shaded areas at fuel islands. The original canopy cantilevered over the outer fuel islands utilizing foundations at the outer fuel island. Said foundations are unknown and must be abandoned. Rather than tear into the fuel island and cause major disruption of business, new supporting columns are proposed in line with adjacent property. A small 200 square foot addition at the north provides enclosed access to the existing exposed restrooms. One auto bay is enclosed to provide for new snack bar sales, so that this small business can be competitive.

Mr. Ortega remarked the design concept is southwest "art deco" style and the parapet with stone clad wainscot columns provides a period image of 1930's. Similar to Easy Riders of Scottsdale, recently renovated to southwest deco and similar to Smoothie King renovation, the design creates an "old-time" character, which continues on the north side with deco columns. At least one service bay is to be enclosed to expand retail sales area to be competitive.

(COUNCILMAN ECTON OPENED PUBLIC TESTIMONY.)

DARLENE PETERSEN stated she has lived in Scottsdale for 45 years. She further stated that she and several other people spoke to Mr. Ortega and discussed their concerns. She commented they are glad to see that this place is being remodeled and the look improved. The main concern is that it is so close to the sidewalk and although there are some plants depicted it is kind of stark. They would like to see it tweaked a little bit had have a pitched roof in the front instead of blocked across.

(COUNCILMAN ECTON CLOSED PUBLIC TESTIMONY.)

COUNCILMAN ECTON stated as they remodel buildings in the downtown one of the things they try to do is to keep it in the style that it was. He further stated it seems that the big block in the front is a change. He inquired why Mr. Ortega did not consider having the pitched roof. He further asked about the significance of sticking what looks like a billboard right out in front. Mr. Ortega provided information on the design concept he wants to achieve which is a southwest "art deco" style. Councilman Ecton stated that he drove over to this area yesterday and looked at the other facilities and most of them did not have a pitched design roof but they had a flat border around the complete overhang and he is wondering if it would not make sense to do that rather than just having it up front. Mr. Ortega stated he had considered having a stucco band extension, but felt it did not compliment the shake character that is needed. It is an artistic statement. He had considered the flat type of canopy but he did not think it was as interesting for the downtown. Councilman Ecton stated in some respects Mr. Ortega is creating an art deco kind of look that is not in character with the downtown. Mr. Ortega stated he is trying to build in character. He further stated the response to the southwest art deco style at the EasyRider building has been positive. He remarked he felt it was a winner in terms of having people relate to Scottsdale in the automobile era of the 1930s.

MR. ORTEGA stated he met with some of the neighbors and it was suggested that they raise the stone on the columns from three feet to six feet. He further stated that the city requires them to keep the landscaping in front below two feet.

MS. GALE stated she understands the design intentions and it creates a homogenous scene in consideration with the Easy Rider. She further stated the

least successful building in terms of color is the Smoothie King. It is harsh and cold looking. She inquired if Mr. Ortega would consider using warmer colors on the building. She further inquired if it would spoil the design to take a little bit of the thickness off of the canopy. Mr. Ortega stated he would not have a problem with lowering the canopy within six inches of the ridge. He further stated with regard to the colors they did not want to use corporate colors but they would stipulate to using warmer colors.

MR. SCHMITT stated he really likes what is being done on this project. He further stated he would agree with Ms. Gale regarding warming up the colors. He stated that as he looks at the elevations, the element on the south end seems to be just hanging out in space and he wants it to anchor that canopy. Mr. Ortega stated you have to remember that the south view is pretty much hidden and he had considered a dummy column but that just messes up the vision of the owner and the client. If they were starting fresh, they could have a lot of options.

MR. SODEN asked a series of questions regarding the columns on the canopy. Mr. Ortega provided information on columns. Mr. Soden stated Mr. Ortega had showed a picture of a gas station in the area that would be a nice model and a way to build the canopy that meets their height requirements so they might want to consider using a canopy that fits the architectural style of what exists as opposed to changing it to the art deco style. Mr. Ortega stated the footers in the foundation are not applicable so they cannot use that design. He further stated if they were to do that it would put the owner out of business because of the major disruption to the business. Mr. Soden asked a series of questions regarding the thought behind the change in the architectural style to art deco. Mr. Ortega stated it is to provide a custom design for a small location that will perhaps catch someone's eye.

Mr. Soden inquired if Mr. Ortega met with the Historic Old-Town Scottsdale Supporters. Mr. Ortega stated he met with Roger Saba and they talked about adding some rock on the columns. They also stipulated to lowering it to the height of the ridge. Mr. Soden stated the most difficult concern raised by the Historic Old-Town Scottsdale Supporters is "In reviewing the parapets, they have a heavy look, out of proportion with the rest of the present remaining building". He noted he has concerns with some of the parapet designs. Mr. Ortega discussed what they are trying to achieve with the parapet design.

MS. GALE stated she is supportive of the design. She inquired if they were going to put a sign on the end of the parapet. Mr. Ortega stated the signage opportunity will probably be on the side not the front. Ms. Gale inquired if a large sign has been grandfathered into this site. Mr. Ortega stated they would apply for the signage separately but the sides are where they need exposure.

Ms. Gale stated he has addressed the criticism by agreeing to lower the parapet by at least a foot so she would support this request. She further stated she would ask him again to reconsider using a darker color.

MR. SODEN stated the EasyRider building is a handsome building but it also has some consistency in the architecture. He further stated he felt there needs to be more consistency in this building.

VICE CHAIRMAN CORTEZ stated with his initial review of the elevations contained in the packet he had many of the same concerns voiced by the Board but with further review, things are falling into place.

VICE CHAIRMAN CORTEZ MOVED TO APPROVE CASE 10-DR-2003 WITH THE FOLLOWING ADDED STIPULATIONS:

- **THE EXTERIOR PARAPET WOULD BE REDUCED BY APPROXIMATELY 12 INCHES TO 21 FEET WITH THE EXPRESSED THOUGHT OF MAKING SURE THAT RIDGE LINE WORKS PROPERLY IN THAT PARAPET.**
- **THE COLORS BE FURTHER STUDIES TO WARM UP THE TONE.**

MR. SODEN inquired how far away from this building is the boundary for Old Town district. Mr. Verschuren stated the boundary is in the middle of the street. Mr. Soden inquired if this building were built in the Old Town district would the design comply with the guidelines. Mr. Verschuren replied they did not evaluate it based on those guidelines and that is something he would have to look into before answering that question.

SECOND BY MR. HEITEL.

COUNCILMAN ECTON stated he felt they were changing the style of what is downtown. He further stated he would prefer the canopy come out instead of being rectangular. The way it is it could still be at a triangle and still have a nice face on it. It would serve the purpose and maintain the style.

Councilman Ecton stated there is a metal thing that protects the pumps. He inquired if they are going to stay there or can they be replaced with something that looks nicer than a bicycle rack. Mr. Ortega replied they had not planned on interrupting or breaking up the island.

THE MOTION PASSED BY A VOTE OF FOUR (4) TO TWO (2) WITH COUNCILMAN ECTON AND MR. SODEN DISSENTING.

MR. VERSCHUREN stated he would like to clarify the stipulations to ensure they are all on the same page. Vice Chairman Cortez reviewed the stipulations. Mr.

Verschuren stated right now the columns are stipulated to 3 feet and they want to stipulate them to six feet. Vice Chairman Cortez stated he had presumed that was part of the existing stipulations. He further stated he would like to maintain the height that is currently shown on the renderings. Mr. Verschuren inquired if that is just on the columns in the front and not the rest of the building. Vice Chairman Cortez replied in the affirmative.

MR. SODEN inquired if it would look funny to have two different stone heights. Vice Chairman Cortez stated he thought Mr. Ortega mentioned the increased height on the exterior columns was at the request of the adjacent property owners and that is the compromise they reached. He further stated if there were no objection to the design by the architect if they were to lower it and maintain the constant height he would not have any problem in amending that requirement.

MS. BRONSKI stated this matter has already been voted on and if the Board is wishing to reconsider this matter, they would have to make a motion to reconsider this matter.

VICE CHAIRMAN CORTEZ MOVED TO RECONSIDER AND REOPEN CASE 10-DR-2003. SECOND BY MR. HEITEL.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

MR. SODEN stated his concern is if you raise it to six feet then you have another seven feet to the stucco so just the proportion seems strange.

MS. GALE stated it seems like they are often put in the position of having to listen to one or two citizens and they make accommodations for them. She further stated she felt they should leave this decision in the hands of the design architect and let him decide if the stone should be three feet or six feet.

VICE CHAIRMAN CORTEZ stated he does not recall stipulating to the height of the stone in his motion. Mr. Verschuren stated on Page 2 in the stipulation No 12 in the packet reads: "The two freestanding columns at the east side of the gas pump canopy shall measure a minimum of 4 foot by 2 foot including the stone wainscot. He inquired if it would affect the motion if it went up to six feet. Vice Chairman Cortez stated he did not think it would affect his motion and it was his understanding that they would maintain the original intent of the design architect to maintain a level consistent height of the stone wainscoat for the project.

VICE CHAIRMAN CORTEZ MOVED TO APPROVE CASE 10-DR-2003 WITH THE FOLLOWING ADDED STIPULATIONS:

- **THE EXTERIOR PARAPET WOULD BE REDUCED BY APPROXIMATELY 12 INCHES TO 21 FEET WITH THE EXPRESSED THOUGHT OF MAKING SURE THAT RIDGE LINE WORKS PROPERLY IN THAT PARAPET.**
- **THE COLORS BE FURTHER STUDIES TO WARM UP THE TONE.**
- **WITH THE CLARIFICATION THE HEIGHT OF THE STONE WAINSCOT WILL BE DETERMINED BY THE ARCHITECT AND BE CONSISTENT THROUGHOUT THE PROJECT.**

SECOND BY MR. HEITEL.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ONE (1) WITH COUNCILMAN ECTON DISSENTING.

11-DR-2003

The Vintage at Grayhawk
Site Plan and elevations
SEC of 76th St. & Thompson Peak Parkway
GCH Limited, Architect/Designer

MS. SHEWAK passed out copies of the amendments to the stipulations that the applicant is requesting.

Ms. Shewak presented this case as per the project coordination packet. She reviewed the proposed amendments to the stipulations. Staff recommends approval, subject to the attached stipulations.

MR. SCHMITT inquired if the ordinance or zoning for this use dictates the length of the driveway or if there is criteria for off street parking. Ms. Shewak replied the city does not have an ordinance that dictates this issue. This is design policy. The Board's decision should be solely on design.

Mr. Schmitt stated staff mentioned another project with a similar driveway design and since then the staff tried to approach this differently, he is assuming the reason behind that is because there were complaints of vehicles hanging out in the streets. He asked what provisions are made for (those times) when people come to visit and they don't have parking space in the garage. Ms. Shewak replied the photograph of the car hanging out into the street was taken at the first phase and it does not represent a significant intrusion, but they want to ensure if this is a parking stall there is enough room for someone to park.

VICE CHAIRMAN CORTEZ stated in the past the Board has stipulated to specific dimensions for the driveway. Ms. Shewak replied in the affirmative.

LYNNE LAGARDE, 3101 N. Central, stated they are asking them to take this into consideration the specifics of this proposal and to amend the two staff

stipulations. The first stipulation is No. 3 under Site and Building Design. She further stated they share the city's concerns regarding not having cars extend out into the street. It is particularly of concern if it is a public street and the city might have some liability. She noted she wants to make it very clear that this is a private street and KM has developed other projects within Grayhawk with varying driveway lengths exactly as they are proposing here. They are enforced through private CC&Rs that are enforceable through fines. This has not been a problem and there have been no complaints to KM or the City. It is common sense that you don't want your car sticking out in the street. She presented information on why this stipulation is such a problem for KM. They have worked as closely as they can to position the driveways to try to avoid this problem, but they have site constraints. This is not a simple matter that stipulation and could potentially cause the total redesign of the project. They believe pushing the buildings closer to the street would degrade the aesthetics of the project and is not a worthwhile tradeoff for the rare incidents when someone parks like that Cadillac did.

Ms. Lagarde presented information regarding why they felt the windows did not need to be recessed a minimum of 50 percent of the wall depth. She stated the design guidelines do not require a standard stipulation that all windows be recessed 50 percent. She presented information on what they have done, stating that it will be far more effective than what is proposed by the stipulation. She requested that they delete that stipulation and the driveway stipulation.

MR. HEITEL stated he wants to be clear that the HOA enforces the overhanging of the parking from the driveway into the street and does not enforce parking of the visitors alongside the property. Ms. Lagarde stated they would prohibit cars extending beyond the driveway into the street. She further stated they have plenty of parallel parking on these streets.

Mr. Heitel inquired about the rational for looking at a minimum of 18 feet. Ms. Shewak stated the 18 feet is what constitutes a place to park. It is a reasonable design standard for parking your vehicle.

MR. SODEN inquired if parallel parking is only allowed on one side of the street. Ms. Shewak replied in the affirmative.

COUNCILMAN ECTON stated he understands the issue but he is not convinced that the HOA would control the situation. He further stated HOA enforcement is sporadic. He remarked that he can see a lot of danger in having the cars being in the streets. It is a very unsafe situation to have cars sticking out in the street.

MR. SODEN inquired what would be the shortest driveway they would allow. Michael Mancini, KM Development Corp. stated their minimum design is somewhere around 10 feet. Vice Chairman Cortez inquired why they chose 10

feet. Mr. Mancini replied it was to accommodate grade changes. He provided information on the changes in the grade.

MR. SCHMITT stated he would agree with Councilman Ecton that HOA enforcement is sporadic so he does not know if this situation would be adequately controlled. He further stated it seems they might have omitted the best supporting information about their plan it (that it) appears there are visitor parking spaces set away from the units. He inquired if it would not be wise that they don't park in the driveway and they don't park in the street they simply park in the visitor parking or garage and let that be the regulation then avoiding anyone hanging out into the street or hampering traffic flow. Mr. Mancini stated they want to maximize the amount of visitor parking and they have used as much of the open areas as possible next to the street for visitor parking. They have two cars in each garage for the residents to use and the visitor parking is dispersed throughout the site for the visitors to use. Mr. Schmitt inquired if the developer of this property is willing to setup a rule where you don't allow on street parking. Ms. Lagarde stated they would be willing to put that in the CC&Rs so it would be enforceable.

Mr. Schmitt stated on the issue of recessing the windows he would agree in most instances they have addressed the design guidelines in different ways than recessing the windows by 50 percent.

COUNCILMAN ECTON inquired if they were aware that this created a problem in the other section that is already operation why did they go a head and design this in the same way and end up with the same problems. Kevin Kiesel stated they were not aware it was a problem and they don't think it is a problem. He further stated he is the President of the HOA for the project across the street, all of the complaints go through him, and they have not had any complaints. Councilman Ecton stated obviously it is a problem if a vehicle overlaps into the street. He further stated he would like to see in the future that staff makes it clear that we don't want to design projects that have the potential for this type of problem.

MR. HEITEL stated he would echo those same sentiments. He further stated he does not see the visitor parking uniformly distributed to accommodate parking to the adjacent residents. He remarked he felt there were some good reasons for encouraging long driveways from a safety standpoint. He further remarked he remains very concerned about the site plan as it is drawn.

VICE CHAIRMAN CORTEZ stated he felt the site plan was devoid of the proper driveway lengths, the sidewalks definitely compromise the quality of life for the future homeowners, and he would find it difficult to support this site plan as it is presented.

MR. HEITEL MOVED TO NOT APPROVE CASE 11-DR-2003 AS SUBMITTED.

MS. LAGARDE stated the case is being requested to be approved with stipulations rather than being denied. All they have asked them to do is change two stipulations. The Board can chose to enforce the driveway stipulation. They would prefer to be able to solve the issues through stipulations rather than having to redesign the project, which would be a hardship to her client. Mr. Heitel stated he would also like to see disbursement of the off site parking to better accommodate the individual units.

MR. HEITEL stated he would be willing to revise his motion.

MR. HEITEL MOVED TO APPROVE CASE 11-DR-2002 WITH THE AMENDED STIPULATION ON THE DRIVEWAYS TO READ:

- **THE DRIVEWAY STANDARDS BE A MINIMUM OF SIX FEET OR EIGHTEEN FEET.**
- **STAFF ENSURE THE CC&RS AND THE HOA PROHIBIT CARS FROM PARKING IN DRIVEWAYS THAT EXTENT INTO THE STREETS.**
- **ANY SITE PLAN THAT IS REDRAWN SHOW SOME ADDITIONAL DISBURSEMENT OF OFF SITE PARKING TO ACCOMMODATE VISITOR PARKING THROUGHOUT THE PROJECT.**
- **APPROVE THE APPLICANT'S REQUEST TO DELETE THE STIPULATION REGARDING ALL WINDOW GLAZING SHALL BE RECESSED A MINIMUM OF 50 PERCENT OF THE WALL.**

SECOND BY MR. SCHMITT WITH THE REQUEST THAT THE REVISED SITE PLAN BE BROUGHT BACK TO A STUDY SESSION. MR. HEITEL STATED HE WOULD AGREE TO THAT AMENDMENT.

MR. KEISEL requested they increase the six feet to eight feet to accommodate ADA requirements. Mr. Heitel inquired how to they address the safety issues while trying to accommodate ADA requirements. Ms. Shewak stated unfortunately they are dealing with something that is not easily measured. They have seen vehicles that are large get within inches of the depth of the parking stall. She further stated six feet seems to work. Can eight feet work? Probably. Maybe the Board wants to say between six and eight feet or bring it back to another study session review. Mr. Heitel stated the only other option would be to continue this case until they have more information. Mr. Lagarde stated they don't want the case continued. If they find they can't work within the six feet they would come back and ask for relief.

MS. GALE stated the stone on the roof is beautiful. She further stated instead of choosing two color schemes they might settle on one color scheme but chose color accents through out. George Hoagland stated there are actually three color schemes but they would consider the possibility of accent colors. He further stated when they return with the site plan they will return with some other colors for the Board to look at.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

5-PP-2001#1

Saguaro Estates
Re-approval of Preliminary Plat
SWC Dynamite & Scottsdale Road
Land Development Services, LLC

MS. SHEWAK passed out amended stipulations. She presented this case as per the project coordination packet. She stated the purpose of the amended stipulation is to take the 2001 approval and update it to provide the trail through the center of the property. The trails master plan has not been approved at this point and they are still going through the process of reviewing the city policy the trails staff has concluded that this should be included in this particular plan. She discussed what would need to occur if the Board approves the amended stipulations. Staff recommends approval, subject to the attached and amended stipulations.

MR. HEITEL stated he would like to applaud staff's sensitivity to the trails issue and their foresight in recognizing the particular character of the Desert Foothills.

COUNCILMAN ECTON stated he would applaud that compliment.

TOM RIEF, Land Development Services, 4413 N. Saddlebag Trail, stated this development was previously approved and has been through the final plan review process. The final design has not changed from its previous approval. He further stated since the approval they have gone through active plan review process and have had to deal with some technical issues that have taken approximately 18 months and the preliminary plat expired. They have to reapply under new requirements. He noted the wash has not been used as a trail. He remarked they are comfortable with the revised stipulations with the exception of the new requirement for the trail in the wash.

MR. SCHMITT inquired if the master trail plan includes a trail in this location. Ms. Shewak replied in the affirmative. It is currently laid out in the trails plan that was approved by the Parks and Recreation Commission but has not been yet been to City Council and they are trying to implement it in advance of that. Mr. Schmitt inquired if they are not able to implement this trail they would have a hole in the trails system that they are not able to reconcile. Ms. Shewak stated it does not

ruin all future opportunities for the City's trail plan but it does put the City in the position at some point of going to the future property owner and negotiating a trail in the location that they want it in.

MR. SCHMITT inquired if the implementation of the trail easement through that wash in anyway decreases the lot size. Mr. Rief replied it does not decrease the lot size but there is the perception that it would. He stated they are trying to balance the community benefit verses the property rights.

Mr. Schmitt stated having grown up with horses riding along the roadside is not very compatible. Having the trail through the center of the property would enhance the equestrian trail.

JOHN DITULLIO, Gallegar and Kennedy, stated people who want to use it for an equestrian use are going to want to go through the middle of the property. He further stated they have already given easements all along the three sides of the perimeter and now they asking to go right down the center of their property. He remarked they are suppose to have a balance between the communities needs, the private property rights, and his additional request shifts the balance.

(MS. GALE LEFT AT 4:05 PM)

MR. SODEN requested information on the regional framework of the trails system along Scottsdale Road. He inquired if these property owners are allowed to have horses on their lots. Mr. Rief stated that has not been determined yet. Ms. Shewak provided an overview of the regional framework of the trails system.

Mr. Soden inquired if there was the potential for legal issues regarding requiring this many easements. It is hard to directly relate this project is placing demands to create that many trails. Ms. Bronski stated it is part of the Board's job to determine whether this makes sense. The Parks Department has approved the trail plan that shows all of these but it is up to the Board to determine if it is necessary.

Mr. Soden stated he was intrigued by the fact that historically this area has never been used for a trail so he is trying to understand what creates the need for it now if it was never needed as a trail before.

MR. DITULLIO stated if a Parks Commission makes a recommendation it is usually an idealized version of what they would like to see. Things are in the draft stage and he does not believe all of impacts on the property hve been legally scrutinized and he believes they are going past the line.

MR. HEITEL discussed the importance of this trail for the equestrian user. He discussed the vision for the Foothills Character area. He commented on the

importance of maintaining the neighborhood connectivity for the equestrian user. He remarked he felt this trail is an important element of the community's vision and he would hope the developer would recognize that vision. Mr. Ditullio stated they understand the importance of the trail; they are just trying to achieve a fair balance. He reiterated the fact that the wash has not previously been used as a trail. Mr. Heitel stated that was because this area has been fenced off.

COUNCILMAN ECTON stated he would concur with Commissioner Heitel. He further stated the applicant stayed away from the impact it has on the value of the property. Many other upscale properties have washes that run through them and the people value them. They are also having the problem of having to go to court to make trails happen. This is an opportunity to keep them away from those types of issues. He remarked the applicant has a very valuable piece of property that is very attractive and he would hope they would want to participate in the development of Scottsdale in the way that people envision it.

(COUNCILMAN ECTON OPENED PUBLIC TESTIMONY.)

TED BAGER stated he has been a resident in Scottsdale for 28 years and he lives in the adjacent property in Saguaro Highlands. He further stated that he had thought the Toll Brothers had bought this property. He remarked that there is a trail he uses that goes around the subdivision. He further remarked a trail that would make sense if they don't want to make one across diagonally would be to join the trail along the fence. If the Toll brothers did buy the property then the trails could integrate. Having the trails next to the street is not desirable.

TONY NELSEN stated Peggy Brock has asked him to represent her views. He further stated he would like to correct some of the misinformation that has been presented. This neighborhood trail has been upgraded to a local trail. He remarked he spent six years on the Parks and Recreation Commission and this trail was part of the Local Area Master Plan. He further remarked back in 2001 when this case was approved there was the request to have that trail but there was a legal loophole that did not require the dedication of that trail because there was not sufficient planning. Now there is. He stated he has spent 20 years on the Foothills character area and they are still fighting for a trail. He reported that the wash is the safest and best place to ride. He further reported the Parks and Recreation Commission did not come up with a wish list they made a recommendation based on the best and most appropriate use for our parks and recreation amenities. He quoted Ms. Brock this is a place for suits and boots to live together.

(COUNCILMAN ECTON CLOSED PUBLIC TESTIMONY.)

MR. SODEN inquired about the status of ESLO 2. Ms. Shewak stated this project is being developed under the first ELSO ordinance. She further stated the only

difference between the two ordinances is the building height issue. This property meets both ordinances in terms of open space. Mr. Soden inquired if they were volunteering to develop under new Foothills Overlay. Ms. Shewak replied in the negative. She reported the Foothills Overlay District has not yet been applied to anything in north Scottsdale. It has been through the Planning Commission but the City Council has yet to act on it. Mr. Soden inquired if they had to follow the Foothills Overlay it would not have any change on the NAOS. Mr. Reif stated the Foothills Overlay would not impact the configuration of the NAOS.

COMMISSIONER HEITEL stated he felt they should follow staff's suggestion and move this forward with this trail down the center of the wash.

MR. HEITEL MOVED TO APPROVE CASE 5-PP-2001#2 WITH THE AMENDED STIPULATIONS DATED 3/6/03 THAT WERE HANDED OUT TODAY. SECOND BY VICE CHAIRMAN CORTEZ.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Development Review Board was adjourned at 4:40 p.m.

Respectfully Submitted

"For the Record" Court Reporters